

Effective 5/12/2020

Chapter 24 Wildland Fire Planning and Cost Recovery Act

Part 1 General Provisions

54-24-101 Title.

This chapter is known as the "Wildland Fire Planning and Cost Recovery Act."

Enacted by Chapter 162, 2020 General Session

54-24-102 Definitions.

As used in this chapter:

- (1) "Electric cooperative" means an electrical corporation that is a:
 - (a) distribution electrical cooperative; or
 - (b) wholesale electrical cooperative.
- (2) "Governing authority" means the same as that term is defined in Section 54-15-102.
- (3) "Qualified utility" means the same as that term is defined in Section 54-17-801.
- (4) "Wildland fire protection plan" means a plan submitted to the commission or governing authority in accordance with the requirements of this chapter.

Enacted by Chapter 162, 2020 General Session

54-24-103 Commission rulemaking authority.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules to implement this chapter, including:

- (1) rules establishing procedures for the review and approval of a wildland fire protection plan;
- (2) rules establishing the procedures for the review and approval of annual expenditures for the implementation of a wildland fire protection plan; and
- (3) any other rules that the commission determines are necessary to protect the public interest and implement this chapter.

Enacted by Chapter 162, 2020 General Session

Part 2 Wildland Fire Protection Plans

54-24-201 Wildland fire protection plan for a qualified utility.

- (1) A qualified utility shall prepare a wildland fire protection plan in accordance with the requirements of this chapter.
- (2) A wildland fire protection plan under Subsection (1) shall include:
 - (a) a description of areas within the service territory of the qualified utility that may be subject to a heightened risk of wildland fire;
 - (b) a description of the procedures, standards, and time frames that the qualified utility will use to inspect and operate its infrastructure;

- (c) a description of the procedures and standards that the qualified utility will use to perform vegetation management;
 - (d) a description of proposed modifications or upgrades to facilities and preventative programs that the qualified utility will implement to reduce the risk of its electric facilities initiating a wildland fire;
 - (e) a description of procedures for de-energizing power lines and disabling reclosers to mitigate potential wildland fires taking into consideration:
 - (i) the ability of the qualified utility to reasonably access the proposed power line to be de-energized;
 - (ii) the balance of the risk of wildland fire with the need for continued supply of electricity to a community; and
 - (iii) any potential impact to public safety, first responders, and health and communication infrastructure;
 - (f) a description of the procedures the qualified utility intends to use to restore its electrical system in the event of a wildland fire;
 - (g) a description of the costs for the implementation of the plan, including system improvements and upgrades;
 - (h) a description of community outreach and public awareness efforts before and during a wildland fire season; and
 - (i) a description of potential participation, if applicable, with state or local wildland fire protection plans.
- (3)
- (a) A qualified utility shall submit the wildland fire protection plan described in this section to the commission:
 - (i) on or before June 1, 2020; and
 - (ii) on or before October 1 of every third year after calendar year 2020.
 - (b) The commission shall:
 - (i) review the plan submitted under Subsection (3)(a); and
 - (ii) consider input from:
 - (A) the State Division of Forestry, Fire, and State Lands created in Section 65A-1-4;
 - (B) any other appropriate federal, state, or local entity that chooses to provide input; and
 - (C) other interested persons who choose to provide input.
 - (c) The commission shall approve a wildland fire protection plan submitted under Subsection (3)
 - (a) if the plan:
 - (i) is reasonable and in the public interest; and
 - (ii) appropriately balances the costs of implementing the plan with the risk of a potential wildland fire.
- (4) No later than June 1, 2021, and each year after 2021, a qualified utility shall submit to the commission a report detailing the qualified utility's compliance with the qualified utility's wildland fire protection plan.

Enacted by Chapter 162, 2020 General Session

54-24-202 Cost recovery for wildland fire protection plan implementation.

- (1) A qualified utility shall recover in rates all prudently incurred investments and expenditures, including the costs of capital, made to implement an approved wildland fire protection plan.
- (2) A qualified utility shall file an annual report to the commission identifying the actual capital investments and expenses made in the prior calendar year and a forecast of the capital

investments and expenses for the present year to implement a wildland fire protection plan approved by the commission under Section 54-24-201.

- (3) The commission shall authorize the deferral and collection of the incremental revenue requirement for the capital investments and expenses:
- (a) to implement an approved wildland fire protection plan; and
 - (b) not included in base rates.

Enacted by Chapter 162, 2020 General Session

54-24-203 Wildland fire protection plan for an electric cooperative.

- (1) An electric cooperative shall prepare a wildland fire protection plan in accordance with the requirements of this chapter.
- (2) A wildland fire protection plan under Subsection (1) shall include:
- (a) a description of areas within the service territory of the electric cooperative that may be subject to a heightened risk of wildland fire;
 - (b) a description of the procedures, standards, and time frames that the electric cooperative will use to inspect and operate its infrastructure;
 - (c) a description of the procedures and standards that the electric cooperative will use to perform vegetation management;
 - (d) a description of proposed modifications or upgrades to facilities and preventative programs that the electric cooperative will implement to reduce the risk of its electric facilities initiating a wildland fire;
 - (e) a description of procedures for de-energizing power lines and disabling reclosers to mitigate potential wildland fires, taking into consideration:
 - (i) the ability of the electric cooperative to reasonably access the proposed power line to be de-energized;
 - (ii) the balance of the risk of wildland fire with the need for continued supply of electricity to a community; and
 - (iii) any potential impact to public safety, first responders, and health and communication infrastructure;
 - (f) a description of the procedures the electric cooperative intends to use to restore its electrical system in the event of a wildland fire; and
 - (g) a description of potential consultation, if applicable, with state or local wildland fire protection plans.
- (3)
- (a) An electric cooperative shall submit the wildland fire protection plan described in this section to its governing authority:
 - (i) on or before June 1, 2020; and
 - (ii) on or before October 1 of every third year after calendar year 2020.
 - (b) The governing authority shall:
 - (i) review the plan submitted under Subsection (3)(a); and
 - (ii) consider input from:
 - (A) the Division of Forestry, Fire, and State Lands created in Section 65A-1-4;
 - (B) any other appropriate federal, state, or local entity that chooses to provide input; and
 - (C) other interested persons who choose to provide input.
 - (c) The governing authority shall approve a wildland fire protection plan submitted under Subsection (3)(a) if the plan:
 - (i) is reasonable and in the interest of the electric cooperative members; and

- (ii) appropriately balances the costs of implementing the plan with the risk of a potential wildland fire.
- (d) An electric cooperative shall file with the commission a wildland fire protection plan submitted and approved under this section.
- (4) An electric cooperative shall:
 - (a) file with its governing authority an annual report detailing the electric cooperative's compliance with the wildland fire protection plan; and
 - (b) file with the commission a copy of the annual compliance report described in Subsection (4)(a).
- (5) The commission shall make available for public inspection:
 - (a) a wildland fire protection plan filed under Subsection (3)(d); and
 - (b) an annual compliance report filed under Subsection (4)(b).

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